

ATTENTION ATTENTION ATTENTION

Method of Refund:

*Double payment
Refund*

☐ **ACH/EFT**

☐ **Credit Card**

☒ **Deposit Account #** 03 1740

☐ **Treasury Check**

Patent/TM/App/Serial # 09/355,169

Program Area Publishing

Date Processed 11/28/2005

ATTENTION ATTENTION ATTENTION

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MAIL STOP 16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R.G. Gration et al. Attorney Docket No.: WPTA114222
Application No.: 09/355,169 Art Unit: 1774 / Confirmation No.: 6091
Filed: August 30, 1999 Examiner: B. Shewareged
Title: PRINTED MATTER PRODUCING REFLECTIVE INTAGLIO EFFECT

REQUEST FOR REFUND
(DUPLICATE PAYMENT OF ISSUE FEE)

Seattle, Washington 98101

November 2, 2005

DIRECTOR - U.S. PATENT AND TRADEMARK OFFICE:

ATTENTION: Refund Section, Accounting Division, Office of Finance

I. Refund Request

This is a request for refund of an erroneous second issue fee payment of \$1,400 in the above-identified patent application. A copy of canceled Check No. 161970 in the amount of \$1,580, which includes the second issue fee payment of \$1,400 and a \$180 IDS payment fee, accompanies this request.

II. Fee Paid for Which Refund Requested

| | Amount of Fee Requested |
|-------------------------------------|-------------------------|
| <u>X</u> Issue Fee (second payment) | \$1,400 |
| <u>Total Refund Requested:</u> | \$1,400 |

III. Explanation of Why Contested Charge Is in Error

On July 1, 2003, a Notice of Abandonment was mailed to the undersigned law firm stating that this application had been abandoned. No Notice of Allowance had been received prior to receipt of the Notice of Abandonment for failure to pay the issue fee. A status check on PAIR revealed that a Notice of Allowance had been mailed on February 20, 2003, mailing the issue fee due by May 20, 2003. On September 9, 2003, along with an explanation of this occurrence and a petition to withdraw the Notice of Abandonment, Check No. 150673 in the amount of \$1,600 was submitted to cover the cost of the outstanding issue/publication fees.

Adjustment date: 12/02/2005 RCLE:00NS
03/15/2005 ZJUHR2 00000132 09355169
01 FC:1501 -1400.00 02

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

A PTO letter (copy enclosed), dated March 19, 2004, stated that the Notice of Abandonment had been withdrawn. The PTO letter also recognized payment of the \$1,600 issue/publication fees. A Corrected Notice of Allowance was issued on December 10, 2004.

On March 10, 2005, in addition to sending a \$180 subsequent submission fee for a Supplemental Information Disclosure Statement being filed, the issue fee was inadvertently paid a second time via Check No. 161970. Check No. 161970, in the amount of \$1,580, included the \$1,400 issue fee (in accordance with form PTOL-85 received with the Corrected Notice of Allowance) and the \$180 IDS submission fee.

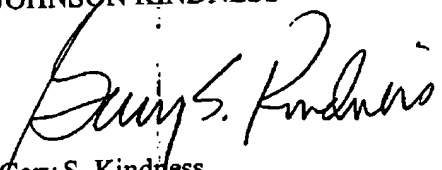
We hereby request a refund of the \$1,400 overpayment and apologize for any inconvenience this may have caused.

IV. Manner of Refund

Please make the refund by crediting Deposit Account No. 03-1740.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}


Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop 16, Director - U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

November 2, 2005

Debbie L. Whitney

GSK:dlw

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC

1420 FIFTH AVENUE
SUITE 2800
SEATTLE WASHINGTON 98101
(206) 682-8100

Bank of America

500 OLIVE WAY
SEATTLE WA 98101

19-2-1250

161970

161970

DATE

03/10/2005

AMOUNT

\$1,580.00

PAY One Thousand Five Hundred Eighty and 00/100 Dollars

TO THE ORDER OF DIRECTOR U.S. PATENT AND TRADEMARK OFFICE

Handwritten signature

⑈161970⑈ ⑆125000024⑆ 62023 015⑈

⑈0000158000⑈

PATENT AND TRADEMARK OFFICE
13-10-0001
03-15-2005
FOR CREDIT TO THE
U.S. TREASURY

FBI SEATTLE 1250-0001-1
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ENT-0570 TRC-0570 PK-

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VS DATE 03/17/05
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Paper Number

In re application of
Ronald Gibson Gration et al.
Serial No. 09/355,169
Filed: August 30, 1999
For: PRINTED MATERIAL PRODUCING REFLECTIVE
INTAGLIO EFFECT

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT, received September 11, 2003. The petition requests that the abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance be withdrawn. The requester asserts that the Notice of Allowance mailed February 20, 2003 was not received at the applicant's correspondence address.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicants or applicant's representative did not receive the Notice of Allowance, mailed February 20, 2003. The evidence provided includes a statement by the petitioner that the Notice of Allowance, mailed February 20, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Allowance was not received. Also provided is a copy of the attorney's application docket records where the Notice of Allowance would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Notice of Allowance originally mailed February 20, 2003 and restarting of the statutory period of response from the remail date thereof. It is noted that a search of the USPTO financial records indicates that fees in the amount of \$1600.00 submitted with the instant petition have been credited to the instant application.

The Petition is GRANTED.

J. Stone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

PROCESSED DOCKETING
MAS
APR 19 2004

CHRISTENSEN, O'CONNOR
JOHNSON & KINDNESS

CLH

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